

The Public Servant

The newsletter of the Illinois State Bar Association's Committee on Government Lawyers

From the Chair

BY MARYLOU LOWDER KENT

As you may be aware, ISBA President **Umberto Davi** has made civics education for the public a priority for our association this year. This initiative is supported by many other leaders of the Illinois bench and bar. Additionally, recent legislation (Public

Act 99-343, effective August 11, 2015) has added very specific civics prerequisites for obtaining a high school diploma.

The ISBA offers several opportunities for
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Smoke N Stuff v. City of Chicago: Does the One-Act, One-Crime Rule Apply to Proceedings at Municipal Administrative Hearings?

BY PATRICK T. DRISCOLL, JR.

The Appellate Court in ***Smoke N Stuff v. City of Chicago***, 2015 IL App (1st) 140936, reviewed the issue of whether the one-act, one-crime rule would prohibit convictions for violating the Chicago Municipal Code where Smoke N Stuff, a licensed cigarette retailer, was charged and convicted of possessing cigarettes that did not contain City of Chicago tax stamps as well as a separate violation of the Chicago Municipal Code that requires cigarette packages to contain a proper Cook County tax stamp.

Smoke N Stuff was charged in the City of Chicago Department of Administrative Hearings with having 1127 packs of cigarettes that Smoke N Stuff did not pay for or that did not bear a proper city tax stamp. Smoke N stuff was also charged with violating a separate Chicago ordinance that required sellers of cigarettes to pay for and cigarettes to bear the proper cigarette tax stamp of Cook County. Of the 1127 packs of cigarettes in possession of Smoke N Stuff, 1107 packs did not display the tax stamp of

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ISBA members to participate in explaining and advancing the role of the legal system in our governmental structure. The *Lawyers in the Classroom* program encourages lawyers to make presentations to schools in their area on various aspects of the judicial system to complement the curriculum in civics-related classes. The *Courtroom in the Classroom* program partners judges and lawyers in leading a classroom discussion regarding a U.S. Supreme Court Fourth Amendment case involving the search of a student without a warrant. The *Courtroom in the Community* program is a new initiative to stimulate civics education at the adult level by providing to civic groups a PowerPoint presentation on an actual case and its effect on the community. The *ISBA High School Mock Trial Invitational*,

with the assistance of attorney volunteers, provides an opportunity for Illinois high school students to learn what it is like to prepare and present a case before the Illinois courts.

We, as government lawyers, are uniquely positioned to aid the ISBA in its endeavors in the area of civics education. As legal advocates representing various governmental agencies, we can add a valuable perspective in the implementation of this goal. After all, civics is the study of the rights and duties of citizens and how the government works.

I encourage all of our Newsletter readers to contact the ISBA and volunteer to participate in one or more of these worthwhile civics programs. Thank you for your time and talents. ■

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Smoke N Stuff v. City of Chicago

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Cook County. After a hearing before a city administrative law judge, Smoke N Stuff was found liable for both the nonpayment of the tax due to the City of Chicago as well as the nonpayment of the tax due to Cook County.

The City of Chicago revoked the retail license to sell that had been issued to Smoke N Stuff. On a writ of *certiorari* to the Circuit Court of Cook County, that court affirmed the findings of the Department of Administrative Hearings that found that the retailer had violated both sections of the municipal code that require the purchase and display of City of Chicago tax stamps as well as the purchase and display of Cook County tax stamps. The court also affirmed the revocation of the retailer's license as the sanction for the violation of the municipal code.

On appeal, Smoke N Stuff argued that it was improper to be charged twice for the same offense, with both Chicago and Cook County charging it for failing to buy a single stamp. The Appellate Court reviewed the one-act, one-crime rule which does not

apply to municipal ordinance violations. That rule applies only to criminal cases to prohibit a defendant from being convicted of multiple offenses based on a single physical act, citing *People v. Almond*, 2015 IL 113817, ¶47.

The Appellate Court noted that prosecutions for municipal ordinance violations are civil proceedings, "albeit quasi-criminal in nature." Smoke N Stuff, ¶19. Even if such actions are quasi-criminal, it is civil in form and is "subject to review in a civil proceeding and not as a criminal prosecution, ¶19. The one-act, one-crime rule protects a criminal defendant's rights and has no application to a civil municipal ordinance violation.

The Appellate Court held that a municipal ordinance prosecution does not parallel a criminal prosecution. A violation of a municipal ordinance under some circumstances, such as liquor regulations, could be prosecuted as a criminal case as well as a municipal ordinance prosecution. ¶21. The Court in Smoke N Stuff rejected a decision of another appellate district,

Village of Sugar Grove v. Rich, 347 Ill. App. 3d 689, 698 (2004), as not being well reasoned on the central issue in *Smoke N Stuff*. The Court followed the law that "an opinion of one district, division, or panel of the appellate court is not binding on other districts, divisions, or panels." ¶20. Therefore, the one-act, one-crime rule does not apply to these municipal ordinance cases.

Smoke N Stuff also challenged the penalty of license revocation imposed before the City as being arbitrary, harsh, and an abuse of discretion. Smoke N Stuff tried to raise an argument for the first time in administrative review. The Court held that Smoke N Stuff is procedurally defaulted for not raising an argument before the Administrative Law Judge. ¶25.

The Court found that a sanction to be imposed is within the discretion of the administrative agency. Smoke N Stuff had prior infractions of the municipal code within five years of the current violations. The revocation of Smoke N Stuff's license was affirmed. ¶28. ■

Apps for lawyers

Technology continues to help (and burden) lawyers. Here, we offer a few ideas for apps that may help attorneys. Go to the App Store on your device and find these, some are free and others may be worth the money. As always, there's an app for that!

Court Apps

Many courts now have apps that can assist you. For example, the United States Court for the Northern District of Illinois has an app that allows quick access to the Daily Calendar. Running late? No problem! See where you are on the call by accessing this app. Not sure where to drop off a

courtesy copy? Look it up on the pull down menu of judges.

Bloomberg BNA's Court Directory

This allows you to look up judges nationwide. It even allows you to call or email them from the app.

Fastcase

ISBA members receive free access to Fastcase. Consider that you have an oral argument and you need a pinpoint cite. Simply look it up on your phone.

Black's Law Dictionary

It isn't free, but having access to it

quickly may be worth the price.

Time Tracking Apps

Billing is a necessity in the legal world. There are many apps to help you keep track of your hours when you aren't in the office. You can update your time just standing in line for coffee.

Others

Many non-legal apps assist busy lawyers. Airline/airport apps, traffic apps, and parking apps are just a few for you to consider using in your busy legal life.

To the App Store! ■

Local governmental lobbying

BY PAUL THOMPSON

During day-to-day operations in State affairs, government lawyers often come into contact with both attorneys and non-attorneys serving as lobbyists. Within the confines of the Lobbyist Registration Act (Act), 25 ILCS 170, lobbyists and lobbying entities (organizations that hire lobbyists) have several primary obligations to fulfill to make transparent to the public their efforts at influencing State officials.

Principally, the Act mandates that lobbyist registration, including client information, must be recorded within two days of hiring and before any actual lobbying is conducted (25 ILCS 170/6). Interestingly, if a lobbyist's "client" happens to be another registered lobbyist, then this dual-stepped relationship also must be listed in the registration. Additionally, registrants must report bimonthly their lobbying expenditures - whether or not they made any and retain the underlying receipts for at least two years (25 ILCS 170/6). The Act also uniquely requires that at the exact time a lobbyist makes an expense on a State official, the official must be notified in writing that the expenditure will appear on the lobbyist's official report; subject, of course, to appeal by the official (25 ILCS 170/6.5).

Perhaps not as well known within the Act are a few blanket prohibitions for registered lobbyists. For example, lobbyists (and immediate family-members in their residences) cannot be appointed to a State board or related body unless: (i) the tenure is an elective position; or (ii) the entity is only advisory and cannot make binding or substantive determinations (25 ILCS 170/3.1). Further, a lobbyist is prevented from entering into a contingency agreement for pay based on the success of his, her or its lobbying efforts. In addition, the Act prohibits State Civil Administrative Code agencies from hiring private contractual lobbyists. 25 ILCS 170/11.3. Lobbyists also are prohibited from engaging in lobbying unless they fulfill the requirements of the annual, online ethics

training within 30 days after each year's registration (25 ILCS 170/4.5).

Lobbyists have several obligations codified in laws outside of the statutory registration provisions. There are the obvious restrictions under the State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430, which ban campaign solicitations or contributions by lobbyists, among others, on State property. Of particular note, this specific ban does not include that part of State property owned or leased as a residence (5 ILCS 430/5-35).

Lobbyists, among others, making *ex parte* communications that are substantive and material to government action (procurement, rule-making, legislative, executive, etc.) and that are received by a State governmental entity, officer or employee are subject to these contacts becoming part of the formal record to be immediately reported to the applicable government ethics officer and the Executive Ethics Commission (5 ILCS 430/5-50). This type of one-sided communication reasonably does not include procedural statements, public forums or intra-office communications.

Although separate and apart from lobbyist expenditure reporting, the Gift Ban Article within the Ethics Act, 5 ILCS 430/ Art. 10 (Article), still restricts a lobbyist, as a prohibited source, from giving a non-exempt gift to a State official, State employee or General Assembly member, including their immediate family members living in the same residence. Bear in mind, that even gifts exempt from the ban may still require independent reporting under the Lobbyist Registration Act. For example, the Article provides that food and drink for one day given to an official that is valued under \$76 are exempt from the gift ban - if consumed on the premises. The Act, however, would still mandate that this allowed 'gift' expenditure be reported in the bi-monthly expense report completed by the lobbyist.

The not so obvious limitations provided

within the Ethics Act, 5 ILCS 430, include that, for instance, a registered lobbyist (or registered within the preceding 12 months) may not serve as a Commissioner on the Executive Ethics Commission or on the Legislative Ethics Commission. In addition, under both the Ethics Act and the Illinois Procurement Code, 30 ILCS 500, designated State employees and certain of their immediate family members are limited in future employment and compensation opportunities by revolving-door prohibitions for one or two-years after leaving State employment. These individuals are not allowed to work during the succeeding year after leaving State employment as lobbyists, among other employment opportunities, with a private company over which the employee, during the immediately preceding year, was: (i) materially involved in contracts of a qualifying threshold amount of \$25,000 or more; (ii) substantially involved in regulatory/licensing matters; or (iii) in a high-level position inherently deemed connected to procurement and regulatory matters, 5 ILCS 430/5-45. In addition, the Illinois Procurement Code invokes a two-year revolving-door prohibition against a former employee with regard to the employee's former State agency, if the employee served for at least six months as a procurement/purchasing officer, or acquisition monitor as well as against certain Executive officers subject to Senate consent (30 ILCS 500/50-30).

Also within the Illinois Procurement Code, a financial disclosure of conflicts of interest is required for lobbyists involved in bids or offers on State procurements of more than \$50,000 (30 ILCS 500/50-35). Along with other required information, the disclosure must list each lobbyist who would communicate with any State officer or employee during the procurement process. The disclosure for those who would contact State government on behalf of the bidder would also stretch to include anyone: (i) employed currently or in the

previous three years as a lobbyist registered with the State; or (ii) who is or was a registered State lobbyist during the last two years to include that lobbyist's spouse, father, mother, son or daughter.

Further, registered lobbyists who are hired by a person bidding on a State contract should know that all of their compensation and reimbursements regarding the acquisitions process will be disclosed as part of the record (30 ILCS 500/50-38). As part of these statutory requirements, the lobbyist is prohibited from billing the State for any of these remunerations as part of the procurement and must actually certify in writing that none of these lobbyist fees were surreptitiously billed to the government. Similar to the restriction under the Lobbyist Registration

Act, a lobbyist also may not enter into an agreement in which payment is based upon a contingency agreement for the success or failure of obtaining a particular procurement award.

Supplementing the reporting required for *ex parte* communications under the Ethics Act, the Illinois Procurement Code requires reporting protocols be followed for certain substantive communications by lobbyists (30 ILCS 500/50-39). For example, if a State employee receives from a lobbyist, among others, material that is substantive information for an active procurement matter, then this contact must be reported to the Procurement Policy Board. More specifically, if the State employee is on the receiving end of an oral communication made by a lobbyist, then each person

who takes part in the conversation must reduce the material conversation to writing for reporting to the Board by the State employee.

If as a government lawyer you are advising public officials on the restrictions placed on lobbyist activities, please review any other local government limitations placed upon this profession as well. Any legal research or counsel with respect to persons registered to lobby State officials also must begin with a comprehensive review of the full text and judicial interpretations of all the controlling laws and rules including, but not limited to, the regulations on Lobbyist Registration and Reports, 2 IL Adm. Code 560. ■

Legislative summary of the 99th General Assembly

The following is a summary of Public Acts 99-101 through 99-200 which may be of interest to the government bar. Summaries of Public Acts 99-001 through 99-100 appeared in the September 2015 issue of The Public Servant, vol. 17, no 1.

Copies of a Public Act may be found on the Illinois General Assembly's website at: <http://www.ilga.gov/legislation/publicacts/default.asp>.

Administrative Law

Public Act 99-114, effective July 23, 2015

Amends the Illinois Health Facilities Planning Act to remove a provision requiring the Health Facilities and Services Review Board (the State Board) to prescribe and provide the forms upon which the State Board Staff Report shall be made. Provides that the State Board shall provide its rationale when voting on an item before it at a meeting in order to comply with the Code of Civil Procedure. Provides that the State Board may accept in-kind services instead of or in combination with the imposition of a fine. Provides that all requests for an appearance before the State Board must be made within 30 days after

receiving notice that a fine will be imposed. Provides that a person who discontinues a health care facility or a category of service without first obtaining a permit or exemption (currently, a permit) shall be fined an amount not to exceed \$10,000 plus an additional \$10,000 for each 30-day period. Makes other changes. 20 ILCS 3960/6.2, 12, 14.1.

Boards, Commissions, & Task Forces

Public Act 99-155, effective July 28, 2015

Amends the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 to create the Utilization of Renewable Energy on State-Owned Properties Task Force. Provides that the Task Force shall consider the economics and feasibility of installing and maintaining renewable energy facilities on State-owned property and the impact and benefits to the community and the State. Provides that the Task Force shall compile its findings and recommendations in a report to be presented to the Governor and the General Assembly on or before September 1, 2016.

Provides that the Task Force shall be dissolved upon submission of the report. 20 ILCS 687/6-6.5.

Public Act 99-158, effective January 1, 2016

Creates the Equal Economic Opportunity Task Force Act and sets forth the membership of the Task Force. Provides that the Task Force shall examine: (1) barriers to economic opportunity in economically depressed communities; (2) issues discouraging local investment and business development; (3) local community concerns; and (4) current economic conditions, and shall establish a comprehensive economic development policy for small, medium, and large businesses. Provides that the Task Force shall submit a report to the General Assembly on or before January 1, 2017. Provides that the Act is repealed on January 1, 2018.

Child Support

Public Act 99-119, effective January 1, 2016

Amends the Uniform Interstate Family Support Act to make technical and

substantive changes throughout the Act in accordance with the 2008 amendments recommended by the National Conference of Commissioners on Uniform State Laws. Changes the definitions of “income-withholding order” and “register.” Provides that specified notice shall be sent by the support enforcement agency within 5 (instead of 2) days. Makes other changes. 750 ILCS 22/101 *et seq.*

Code of Civil Procedure

Public Act 99-110, effective January 1, 2016

Amends the Code of Civil Procedure to provide that, among other discovery, the physical and mental examinations of parties and other persons, the taking of depositions, and interrogatories (rather than “answers to interrogatories”) shall be in accordance with court rules. Deletes language providing that: (1) the taking of depositions, whether for use in evidence or for purposes of discovery in proceedings in this State or elsewhere, and fees and charges in connection therewith, shall be in accordance with rules; and (2) a party shall not be required to furnish the names or addresses of his or her witnesses, except that upon motion of any party disclosure of the identity of expert witnesses shall be made to all parties and the court in sufficient time in advance of trial so as to insure a fair and equitable preparation of the case by all parties. 735 ILCS 5/2-1003.

Public Act 99-133, effective January 1, 2016

Amends the Code of Civil Procedure to provide that whenever any person is a party or witness in a civil action in this State, the court shall, upon its own motion or that of a party, determine whether the person is capable of understanding the English language and is capable of expressing himself or herself in the English language so as to be understood directly by counsel, court, or jury. Provides that if the court finds the person incapable of so understanding or so expressing himself or herself, the court shall appoint an interpreter for the person whom he or she can understand and who can understand him or her. Provides that the interpreter shall be sworn to truly interpret or translate

all questions propounded or answers given as directed by the court. Provides that all appointments for court interpreters in civil matters shall be pursuant to the Illinois Supreme Court Language Access Policy and the judicial circuit’s Language Access Plan that is appropriate for the demands and resources specific to the Illinois courts within that particular circuit. Provides that “interpreter” includes a sign language interpreter. 735 ILCS 5/8-1403.

Civil Rights

Public Act 99-196, effective July 30, 2015

Amends the Illinois Human Rights Act to provide that it is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesperson, because of unlawful discrimination or familial status, to make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or unlawful discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination (rather than to print, circulate, post, mail, publish or cause to be so published a written or oral statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in unlawful discrimination). 775 ILCS 5/3-102.

Consumer Protection

Public Act 99-150, effective July 28, 2015

Amends the High Risk Home Loan Act to include within the definition of the term “high risk home loan” a consumer credit transaction that is secured by the consumer’s principal personal dwelling if the dwelling is personal property. 815 ILCS 137/10.

Counties

Public Act 99-123, effective January 1, 2016

Amends the Counties Code and the Illinois Municipal Code to provide that a county and municipality may establish standards for wind farms and electric-generating wind devices notwithstanding any other provision of law. 55 ILCS 5/5-12020; 65 ILCS 5/11-13-26.

Public Act 99-169, effective July 28, 2015

Amends the Counties Code to provide that in counties of the first, second, and third class, the fees for service of subpoenas and summons by special investigators are allowed and the special investigators may charge service fees in an amount as prescribed in other sections of the Counties Code, unless the service fee is increased by county ordinance. Amends the Code of Civil Procedure to provide that a special investigator appointed by the State’s Attorney may serve process when the county or State is an interested party and a court may charge the special investigator’s service fees as costs in the proceeding. 55 ILCS 5/3-9005; 735 ILCS 5/2-202.

Public Act 99-183, effective July 29, 2015

Amends the Agricultural Fair Act to provide that in counties where a Fair and Exposition Authority participated in 1999, the Fair and Exposition Authority shall transfer all remaining funds to the county fair in such county within 30 days of the effective date of this amendatory Act. Further provides that the terms of the Authority’s members shall terminate upon the transfer of all remaining funds and the Authority shall cease to exist. Deletes provisions regarding the Authority’s participation in the appropriation from the Fair and Exposition Fund. 30 ILCS 120/17, 18.

Court System

Public Act 99-102, effective January 1, 2016

Amends the Jury Act and the Jury Commission Act. In sections concerning removal of prospective jurors due to total and permanent disability, provides that

proof of total and permanent disability may be submitted in the form of copies of school special education individual education programs. Provides that proof of permanent disability may also be submitted in the form of a copy of a court order for guardianship showing that the juror has been adjudged totally without capacity and a plenary guardian has been appointed. Provides that “total and permanent disability” does not include an impairment or disease that is transitory or minor in nature or is capable of being improved. Provides that the county board, jury administrator, or jury commissioners shall notify a prospective juror, or his or her legal guardian, when the juror is permanently excluded from all current and subsequent jury lists or general jury lists due to total and permanent disability. 705 ILCS 305/10.4; 705 ILCS 310/10.5.

Criminal Law

Public Act 99-101, effective July 22, 2015

Amends the Unified Code of Corrections to change the date on which the provisions creating the Sentencing Policy Advisory Council are repealed from December 31, 2015 to December 31, 2020. 730 ILCS 5/5-8-8.

Public Act 99-109, effective July 22, 2015

Amends the Criminal Code of 2012 to provide that it is an affirmative defense to a charge of prostitution that the accused engaged in or performed prostitution as a result of being a victim of involuntary servitude or trafficking in persons as defined in the Code. Amends the Code of Criminal Procedure of 1963 to provide that in prosecutions for prostitution, when the accused intends to raise at trial the affirmative defense of being a victim of involuntary servitude or trafficking in persons as defined in the Code and has reason to believe that the evidence presented in asserting that defense may jeopardize the safety of the accused, courtroom personnel, or others impacted by human trafficking, the accused may file under seal a motion for an *in camera* hearing to review the accused’s safety concerns. Upon receipt of the motion

and notice to the parties, the court shall conduct an *in camera* hearing, with counsel present, limited to review of potential safety concerns. Provides that if an *in camera* hearing on the accused’s safety concerns is held, the court shall cause an official record of the *in camera* hearing to be made, which shall be kept under seal. Provides that the court shall not consider the merits of the affirmative defense during the *in camera* review. Provides that the court’s determination of safety concerns must be by a preponderance of the evidence and that if the court finds that the assertion of an affirmative defense by the accused in open court could jeopardize the safety of the accused, court personnel, or other persons, the court may clear the courtroom with the agreement of the accused, order additional *in camera* hearings, seal the records, prohibit court personnel from disclosing the proceedings without prior court approval, or take any other appropriate measure that in the court’s discretion will enhance the safety of the proceedings and ensure the accused a full and fair opportunity to assert his or her affirmative defense. Provides that statements made by the accused during the *in camera* hearing to review safety concerns shall not be admissible against the accused for the crimes charged. 720 ILCS 5/11-14; 725 ILCS 5/115-6.1.

Public Act 99-140, effective January 1, 2016

Amends the Code of Criminal Procedure of 1963 to provide that the clerk of the circuit court shall transmit to the Department of Human Services, agency or institution, if any, to which an unfit defendant is remanded for treatment the complete copy of any fitness report prepared or other report prepared by a forensic examiner for the court. Provides that if the court finds that the defendant is still unfit after being recommended as fit by the supervisor of the defendant’s treatment, the court shall attach a copy of any written report that identifies the factors in the finding that the defendant continues to be unfit, prepared by a licensed physician, clinical psychologist, or psychiatrist, to the court order remanding the person for further treatment. 725 ILCS 5/104-17,

104-20.

Public Act 99-160, effective January 1, 2016

Amends the Criminal Code of 2012 to provide that in addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct involving calling the number “911” for the purpose of making or transmitting a false alarm or complaint and reporting information, to reimburse the public agency for the reasonable costs of the emergency response by the public agency up to \$10,000. Provides that if the court determines that the person who committed the offense is indigent, the new reimbursement provisions do not apply. Changes the definition of “emergency response.” 720 ILCS 5/26-1.

Public Act 99-190, effective January 1, 2016

Amends the Code of Criminal Procedure of 1963 to provide that when foreign nationals are arrested or detained, they must be advised of their right to have their consular officials notified, and if an individual chooses to exercise that right, a law enforcement official is required to notify the consulate. Provides that at the initial appearance of a defendant in any criminal proceeding, the court must advise the defendant in open court that any foreign national who is arrested or detained has the right to have notice of the arrest or detention given to his or her country’s consular representatives and the right to communicate with those consular representatives if the notice has not already been provided. Provides that the court must make a written record of so advising the defendant. Provides that if consular notification is not provided to a defendant before his or her first appearance in court, the court shall grant any reasonable request for a continuance of the proceedings to allow contact with the defendant’s consulate. Provides that any delay caused by the granting of the request by a defendant shall temporarily suspend for the time of the delay the period within which a person shall be tried as prescribed by the speedy trial provisions and on the day of the expiration of delay the period

shall continue at the point at which it was suspended. States that the provisions do not create any new substantive State right or remedy. 725 ILCS 5/103-1, 109-1.

Environmental Law

Public Act 99-122, effective July 23, 2015

Amends the Mercury Thermostat Collection Act to provide that mercury thermostat collection programs shall also collect loose mercury ampoules. Provides that annual reports shall include an accounting of loose mercury ampoules collected and managed under the Act. Defines “loose mercury ampoules” and “commercial building.” Provides that beginning January 1, 2016, no person shall demolish a commercial building unless: (i) all mercury thermostats have been removed from the building; and (ii) the person who removed the thermostats from the building has arranged for them to be delivered to a collection site established under this Act. Makes other changes. 415 ILCS 98/5, 10, 15, 20, 25, 30, 40, 51.

Public Act 99-187, effective July 29, 2015

Amends the Environmental Protection Act to make a change to the purposes for which the Water Pollution Control Loan Program shall be used. 415 ILCS 5/19.3.

Public Act 99-197, effective July 30, 2015

Amends the Environmental Protection Act to extend a provision concerning Environmental Protection Agency fast-track rulemaking from December 31, 2014, to December 31, 2019. 415 ILCS 5/28.5.

Family Law

Public Act 99-195, effective July 30, 2015

Amends the Department of Healthcare and Family Services Law of the Civil Administrative Code of Illinois. Provides that the Division of Child Support Services of the Department of Healthcare and Family Services shall conduct a study regarding the barriers individuals face to paying child support for the purpose of reducing the total amount of unpaid child support in Illinois. Requires the Department to report the results of the study and any recommendations to the

Governor and the General Assembly on or before May 1, 2017. Repeals the new provisions on January 1, 2018. 20 ILCS 2205/2205-25.

Fire Loss

Public Act 99-159, effective January 1, 2016

Amends the Property Fire Loss Act to allow the Fire Marshal and the Department of Insurance to prohibit the release of certain information to insurance companies if it would endanger the life or physical safety of law enforcement personnel or any other person. Makes technical changes. 215 ILCS 145/1.

Governmental Ethics

Public Act 99-108, effective July 22, 2015

Amends the Illinois Governmental Ethics Act to authorize the Secretary of State, in addition to county clerks, to institute an Internet-based system for the filing of statements of economic interests. Provides that all Internet-based systems for the filing of statements of economic interests shall set forth and provide a means of generating a printable receipt page acknowledging filing. Provides that Internet-based systems must allow an ethics officer to approve statements of economic interests. Makes other changes consistent with the requirements of the amendatory Act. 5 ILCS 420/4A-108.

Grants

Public Act 99-186, effective July 29, 2015

Amends the Illinois Library System Act to provide that the definition of “area served” for the purposes of making and expending annual Library System grants means the area that lies within the geographic boundaries of the library system as approved by the State Librarian. Provides that grant funding awarded to a library system may also be expended for the provision of services to members of other library systems if such expenditure is included in a library system’s plan of service and approved by the State Librarian. Provides that if moneys appropriated for grants exceed or fail to meet the \$1.25 per capita amount for the population of the

area served by a qualifying public library, the funding shall be increased or decreased *pro rata* so that qualifying public libraries receive the same amount in excess of or less than the \$1.25 per capita amount. Further amends the Illinois Library System Act concerning funding from grants by the State Librarian to qualifying libraries, adds references to the amount per capita of grants to libraries serving populations over 500,000. 75 ILCS 10/8, 8.1.

Public Act 99-199, effective January 1, 2016

Amends the Higher Education Student Assistance Act to provide for the issuance of grants to exonerated persons, subject to appropriation. Defines “exonerated person” as an individual who has received a pardon from the Governor of the State of Illinois (rather than the Governor) stating that such a pardon is issued on the grounds of innocence of the crime for which he or she was imprisoned or an individual who has received a certificate of innocence from a circuit court. Defines “satisfactory academic progress” as the qualified applicant’s maintenance of minimum standards of academic performance, consistent with requirements for maintaining federal financial aid eligibility (rather than the qualified applicant’s maintenance of minimum grade levels), as determined by the institution of higher learning. Provides for the payment of tuition and fees only at a public university or community college. Provides that recipients are entitled to use the funds for up to 8 semesters or 12 quarters of full payment of tuition and mandatory fees, provided that the recipients are maintaining satisfactory academic progress. Allows an exonerated person who has not received a high school diploma or a high school equivalency certificate and who completes a high school equivalency preparation course through an Illinois Community College Board-approved provider to use grant funds to pay costs associated with obtaining a high school equivalency certificate, including payment of the cost of the high school equivalency test and up to one retest on each test module, and any additional fees that may be required in order to obtain an

Illinois High School Equivalency Certificate or an official transcript of test scores after successful completion of the high school equivalency test. 110 ILCS 947/62.

Human Rights

Public Act 99-165, effective July 28, 2015

Amends the Illinois Human Rights Act to provide that nothing in the Act prohibits an employer, employment agency, or labor organization from participating in a *bona fide* recruiting incentive program, sponsored by a branch of the United States Armed Forces, a reserve component of the United States Armed Forces, or any National Guard or Naval Militia, where participation in the program is limited by the sponsoring branch based upon the service member's discharge status. 775 ILCS 5/2-104.

Insurance

Public Act 99-141, effective January 1, 2016

Amends the Illinois Insurance Code to provide that individual or group policies of accident and health insurance amended, delivered, issued, or renewed after the effective date of the Act shall cover charges incurred, and anesthetics provided by a dentist who has obtained a permit for the administration of anesthetics under the Illinois Dental Practice Act in conjunction with dental care that is provided to a covered individual in a dental office, oral surgeon's office, hospital, or ambulatory surgical treatment center if the individual is under age 19 and has been diagnosed with an autism spectrum disorder as defined in Section 10 of the Autism Spectrum Disorders Reporting Act and also includes an individual under age 19 who has been diagnosed with a developmental disability as a person for whom the charges for dental care shall be covered. Defines "developmental disability." 215 ILCS 5/356z.2.

Public Act 99-151, effective July 28, 2015

Amends the Dental Service Plan Act to require dental service plan corporations to comply with provisions of the Illinois Insurance Code concerning reinsurance.

Provides that dental service plans may enter into reinsurance agreements for dental service subject to provisions of the Illinois Insurance Code concerning reinsurance. Provides that all reinsurance agreements must be filed with the Director of Insurance. Provides that a reinsurance agreement not disapproved by the Director within 30 days after its submission shall be deemed approved. 215 ILCS 110/25, 27.1.

Public Act 99-161, effective January 1, 2016

Amends the Illinois Insurance Code. Provides that a business entity may be issued a limited lines producer license for credit life and credit accident and health insurance and other credit insurance policies approved or permitted by the Director of Insurance, provided certain requirements are met. Prohibits a business entity holding a limited lines license from advertising, representing, or otherwise holding itself or any of its employees out as licensed insurers, insurance producers, insurance agents, or insurance brokers. 215 ILCS 5/500-100.

Public Act 99-162, effective January 1, 2016

Amends the Illinois Insurance Code. Specifies that the requirement that the Director annually value, or cause to be valued, the reserve liabilities for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in the State applies to policies and contracts issued prior to the operative date of the Valuation Manual. Specifies that the requirement that the Director annually value, or cause to be valued, the reserve liabilities for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company issued on or after the operative date of the Valuation Manual applies to policies and contracts issued on or after the operative date of the Valuation Manual. Allows the Director of Insurance to adopt rules allowing disciplinary actions against a company or appointed actuary in connection with actuarial opinions of reserves after the operative date of the

Valuation Manual. Removes provisions exempting certain domestic companies with less than \$300,000,000 of ordinary life insurance premiums from certain requirements concerning the Valuation Manual. Makes technical and grammatical changes. 215 ILCS 5/223, 229.2.

Public Act 99-167, effective January 1, 2016

Amends the Illinois Insurance Code. Provides that any notice to a party or any document required under applicable law in an insurance contract may be delivered, stored, and presented by electronic means so long as it meets the requirements of the Electronic Commerce Security Act. Provides that delivery in accordance with the amendatory Act is equivalent to any delivery method required under applicable law. Requires parties to an insurance contract to consent to the delivery of notices and document by electronic means. Provides for what notice must be provided for parties to the contract prior to granting consent. Provides for the effects of a withdrawal of consent for delivery by electronic means. Provides that a producer shall not be subject to civil liability for any harm or injury that occurs as a result of a party's election to receive any notice or document by electronic means or by an insurer's failure to deliver a notice or document by electronic means unless the harm or injury is caused by the willful and wanton misconduct of the producer. 215 ILCS 5/143.34.

Licensed Occupations

Public Act 99-113, effective July 23, 2015

Amends the Residential Mortgage License Act of 1987 to provide that a mortgage loan brokered, funded, originated, serviced, or purchased by a party who is not licensed shall not be held to be invalid solely on the basis of specified violations of the Act. 205 ILCS 635/1-3.

Public Act 99-163, effective January 1, 2016

Amends the Pharmacy Practice Act. Provides that a patient's agent for picking up prescription orders from the prescriber or delivering prescription drugs to a patient

includes an advanced practice nurse, practical nurse, or registered nurse licensed under the Nurse Practice Act or physician assistant licensed under the Physician Assistant Practice Act of 1987 who provides hospice services to a hospice patient or who provides home health services to a person, at the residence or place of employment of the person for whom the prescription was issued or at the hospital or medical care facility in which the patient is confined, or may drop off the prescription at a designated area determined by the patient or the patient's agent. Defines "home health services," "hospice patient," and "hospice services." Amends the Illinois Controlled Substances Act. Provides that an advanced practice nurse, practical nurse, or registered nurse licensed under the Nurse Practice Act who provides hospice services to a hospice patient or who provides home health services to a person may lawfully possess controlled substances prescribed for the patient under a lawful prescription of a practitioner. 225 ILCS 85/16b; 720 ILCS 570/302.

Public Act 99-173, effective July 29, 2015

Amends the Nurse Practice Act. In provisions regarding written collaborative agreements, adds immunizations to the list of primary health treatment within the scope of an advanced practice nurse's training and experience. Makes a technical change. Amends the Medical Practice Act of 1987. Provides that a written collaborative agreement shall be for services in the same area of practice or specialty as the collaborating physician in his or her clinical medical practice (rather than services the collaborating physician generally provides or may provide in his or her clinical medical practice). Further amends the Nurse Practice Act. Provides that all advanced practice nurses may only practice in accordance with national certification and the Act. Makes changes in provisions concerning the requirements for written collaborative agreements. Exempts advanced practice nurses practicing in a hospital affiliate from having written collaborative agreements. Allows, but does not require, a hospital affiliate to

grant advanced practice nurses certified as nurse practitioners, nurse midwives, or clinical nurse specialists practicing in a hospital affiliate prescriptive authority for Schedule II through V controlled substances under specified conditions. Allows consultation through electronic communications. Provides that nothing in the Act shall be construed to authorize an advanced practice nurse to provide health care services required by law or rule to be performed by a physician. Amends the Podiatric Medical Practice Act of 1987 to make changes concerning the collaboration between a podiatric physician and an advanced practice nurse. Amends the Illinois Public Aid Code. Adds advanced practice nurses to the list of providers through whom the Department of Healthcare and Family Services may provide services in supplying medical assistance. Amends the Illinois Controlled Substances Act to provide prescriptive authority for Schedule II through V controlled substances for advanced practice nurses certified as nurse practitioners, nurse midwives, or clinical nurse specialists practicing in a hospital affiliate. Amends various other Acts to specify that physician assistants and advanced practice nurses must be licensed and to remove references to written supervision agreements and written collaborative agreements. 225 ILCS 65/50-10, 65-35, 65-45, 65-35.1; 225 ILCS 60/54.5).

Public Act 99-174, effective July 29, 2015

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that an applicant for licensure as a private alarm contractor who has received a business degree from an accredited college or university shall be given credit for 2 years of required experience. Makes changes concerning the disciplinary grounds under the Act related to commission of a felony or a misdemeanor. Amends provisions of the Criminal Code of 2012 concerning exemptions to provisions concerning unlawful use of weapons by removing language limiting the exemptions for persons licensed under the Private

Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 who are commuting between their homes and places of employment to commuting that is accomplished within one hour from departure from home or place of employment. Provides that for an exception for persons employed by a financial institution as a security guard (rather than employed by a financial institution), the exception applies to security guards who are members of a security force registered with the Department. Makes other changes. 225 ILCS 447/20-10, 40-10; 720 ILCS 5/24-2.

Public Act 99-188, effective January 1, 2016

Amends the Pawnbroker Regulation Act. Provides that every pawnbroker shall record an accurate account and description of all goods, articles, and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source, including other pawnshop locations owned by the same pawnbroker, not in the course of a pledge or loan, the time of such purchase or receipt and the name and address of the person or business which sold or delivered such goods, articles, or other things to the pawnbroker. Further provides that no personal property pledged or received on deposit by any pawnbroker shall be permitted to be redeemed from such pawnbroker for a period of 48 hours after the delivery of the copy and statement required by the Act; provides that no personal property purchased by any pawnbroker shall be sold or removed from the place of business or transferred to another pawnshop location of such pawnbroker for a period of 10 days after the delivery of the copy and statement required by the Act; provides that a county or municipality, including a home rule unit, may regulate these holding periods in a manner that is more restrictive than a specified regulation. Prohibits any pawnbroker from receiving or purchasing any article, if the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property has been removed,

altered, or obliterated. 205 ILCS 510/5, 9.5, 10.

Public Act 99-200, effective January 1, 2016

Amends the Pharmacy Practice Act. Provides that pharmacists may substitute an “interchangeable biological product” for a prescribed “biological product” only if certain conditions listed are met. Provides that within 5 business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist’s designee shall make an entry of the specific product provided to the patient, including the name of the product and the manufacturer. Provides that the communication shall be conveyed by making an entry that can be electronically accessed by the prescriber through certain means. Clarifies that using certain electronic records systems is presumed to provide notice in accordance with the new provisions. Provides for when communications to the prescriber are not necessary. Provides that the Department of Financial and Professional Regulation shall maintain a link on its website to the current list of all biological products determined by the United States Food and Drug Administration to be interchangeable with a specific biological product. Provides that the Department may adopt rules for compliance with the provisions concerning biological products. Defines terms. 225 ILCS 85/19.5.

Mechanics Lien Act

Public Act 99-178, January 1, 2016

Amends the Mechanics Lien Act. Provides that an applicant may within the time prescribed by the amendment file a petition to substitute a bond for the property subject to a lien claim under the Act with the clerk of the circuit court of the county in which the property against which the lien claim is asserted is located, or, if there is a pending action to enforce the lien claim, an applicant may timely apply to become a party to the pending action at any time before a final judgment is rendered and file a petition to substitute a bond for the property subject to the lien claim in the pending action. Defines terms. Contains notice and procedural requirements; a

statement of legislative intent; and language limiting the applicability of the new provisions. 770 ILCS 60/38.1.

Mental Health

Public Act 99-179, effective July 29, 2015

Amends the Mental Health and Developmental Disabilities Code to provide that the circuit court has jurisdiction over all persons alleged to be in need of psychotropic medication or electroconvulsive therapy, whether or not they are charged with a felony. 405 ILCS 5/3-100.

Public Act 99-180, effective July 29, 2015

Creates the MC/DD Act. Provides that long-term care for under age 22 facilities shall be licensed as medically complex for the developmentally disabled facilities under the MC/DD Act instead of the ID/DD Community Care Act. Makes the provisions in the MC/DD Act substantially the same as those in the ID/DD Community Care Act, including provisions for the rights of residents and responsibilities of facilities, licensing, violations and penalties, and transfer or discharge of residents. Amends various Acts to make conforming changes. Amends the State Mandates Act to require implementation without reimbursement. Contains a non-acceleration provision. Amends numerous statutory provisions.

Public Act 99-184, effective January 1, 2016

Amends the Illinois Act on the Aging. Provides that subject to appropriations, the Department on Aging may provide grants to public and private nonprofit entities for projects that demonstrate ways to integrate mental health services for older adults into primary health care settings, such as federally qualified health centers as defined in the Social Security Act, primary care clinics, and private practice sites. Grants the Department rulemaking authority. 20 ILCS 105/4.16.

Motor Vehicles

Public Act 99-118, effective January 1, 2016

Amends the Illinois Vehicle Code to

allow civilian employees of the United States Armed Services or of the United States Department of Defense, serving outside of the State of Illinois, to secure vehicle registration up to 45 days after returning to this State. Provides that Illinois driver’s license requirements shall not apply to civilian employees of the United States Armed Services or of the United States Department of Defense, serving outside of the continental United States, for a period of 120 days following their return to the continental limits of the United States. Allows the Secretary of State to defer the expiration of a driver’s license belonging to a civilian employee of the United States Armed Forces or of the United States Department of Defense, serving outside of the State of Illinois, and 120 days thereafter, upon such terms and conditions as the Secretary may prescribe. 625 ILCS 5/3-801, 6-102, 6-115.

Public Act 99-124, effective January 1, 2016

Amends the Illinois Vehicle Code. Provides that traffic control devices placed by the Department of Transportation shall include temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual. Requires temporary stop signs to be placed in a manner to provide adequate visibility and legibility, and be placed within duration recommendations in the State Manual, unless circumstances require longer placement. Allows local authorities to place and maintain temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual upon highways under their maintenance jurisdiction. Provides that temporary stop signs placed by local authorities shall be placed in a manner to provide adequate visibility and legibility, and shall be placed within duration recommendations in the State Manual, unless circumstances require longer placement. 625 ILCS 5/11-303, 11-304.

Public Act 99-125, effective January 1, 2016

Amends the Illinois Vehicle Code to allow the use of amber oscillating, rotating, or flashing lights on trucks equipped with

self-compactors or roll-off hoists and roll-on containers for hauling materials to be recycled. 625 ILCS 5/12-215.

Public Act 99-127, effective January 1, 2016

Amends the Illinois Vehicle Code to provide for the deposit and use of money collected for certificates of title, duplicate certificates of title, and corrected certificates of title into specified Funds of the State treasury. Provides for the disbursement of fees collected under the Sale and Distribution of Information section of the Code. Makes a conforming change regarding no longer applicable fees for the issuance of Korean War Veteran license plates. Removes fee requirements for the issuance of Iraq Campaign and Afghanistan Campaign license plates. Provides that the \$10 registration fee paid to the Secretary of State by owners of vehicles of the second division shall be collected as part of the flat weight tax assessed under the Code. Provides that fees collected under the Delinquent Registration Renewal Fee section of the Code shall be deposited into the General Revenue Fund. Requires that the annual fee collected from manufacturers and distributors doing business in this State shall be deposited into the Motor Vehicle Review Board Fund. Makes conforming changes requiring fees collected under certain articles and sections of the Code to be disbursed according to the Disposition of Fees and Taxes section of the Code. 625 ILCS 5/2-119, 2-123, 3-305, 3-626, 3-668, 3-669, 3-813, 3-821.2, 5-109, 6-118, 6-423, 6-1013, 7-606, 7-607.

Public Act 99-146, effective January 1, 2016

Amends the State Commemorative Dates Act to designate December 23 of each year as “Scott’s Law Day” to honor public safety workers and to remind motorists to slow down, change lanes away from a stationary authorized emergency vehicle, and proceed with due regard to safety and traffic conditions. 5 ILCS 490/127.

Public Act 99-148, effective January 1, 2016

Amends the Illinois Vehicle Code to provide that a private carrier employer of a school bus driver permit holder,

having satisfied applicable employer requirements, shall be held to a standard of ordinary care for intentional acts committed in the course of employment by a bus driver permit holder. Provides that the provision concerning employer standard of care shall in no way limit the liability of a private carrier employer for violation of any provision of this section or for the negligent hiring or retention of a school bus driver permit holder. 625 ILCS 5/6106.1.

Public Act 99-166, effective July 28, 2015

Amends the State Finance Act. Allows the Secretary of State to use the money in the CDLIS/AAMVAnet/NMVTIS Trust Fund to pay for any expenses related to vehicle registration or titling. Amends the Illinois Vehicle Code. Provides for the design of charitable decals for U.S. Veteran License Plates by charitable organizations, and requires those organizations to report to the Secretary of State Vehicle Services Department concerning the sticker fee for the decals, the amount of decals sold, and the total revenue received from sale of the decals. Eliminates the transfer plate fee for vehicles owned or operated by any county, township, or municipal corporation. Allows for the parking of a vehicle with expired registration if the vehicle has been properly registered prior to expiration, but has yet to receive a new registration sticker. 30 ILCS 105/6z-23; 625 ILCS 5/3-638, 3-808.1, 11-1304.5.

Public Act 99-168, effective January 1, 2016

Amends the Illinois Vehicle Code. Provides that local authorities may by ordinance or resolution prohibit the operation of vehicles or impose restrictions as to the weight of vehicles to be operated upon highways under their jurisdiction, for a total period not to exceed 90 days, measured in either consecutive or nonconsecutive days at the discretion of local authorities, in any one calendar year, when conditions will seriously damage or destroy the highway. 625 ILCS 5/15-316.

Public Act 99-172, effective January 1, 2016

Amends the Illinois Vehicle Code.

Prohibits the parking of non-electric vehicles in charging station spaces designated for electric vehicles. Allows any person or local authority owning or operating a parking facility in qualifying circumstances to remove or cause to be removed any non-electric vehicle parked within a charging station space designated for use by an electric vehicle. Imposes a minimum fine of \$75 on a person parking a non-electric vehicle in a space designated for electric vehicles. Defines “electric vehicle” and “electric vehicle charging station.” 625 ILCS 5/11-1308.

Municipal Law

Public Act 99-121, effective July 23, 2015

Amends the Illinois Underground Utility Facilities Damage Prevention Act to provide that home rule municipalities of more than 1,000,000 persons may regulate underground utility facilities and CATS facilities damage prevention. 220 ILCS 50/14.

Public Act 99-123, effective January 1, 2016

Amends the Counties Code and the Illinois Municipal Code to provide that a county and municipality may establish standards for wind farms and electric-generating wind devices notwithstanding any other provision of law. 55 ILCS 5/5-12020; 65 ILCS 5/11-13-26.

Public Act 99-136, effective July 24, 2015

Amends the Illinois Municipal Code to create a tax increment allocation financing extension for an ordinance adopted on September 23, 1997, by the City of Granite City. Makes technical changes. 65 ILCS 5/11-74.4-3.5.

New Acts

Public Act 99-132, effective July 24, 2015

Creates the Wind Energy Facilities Construction and Deconstruction Act to require that commercial wind energy operators of commercial wind energy facilities located on private property enter into an agricultural impact mitigation agreement with the Department of

Agriculture outlining construction and deconstruction standards and policies designed to preserve the integrity of any agricultural land that is impacted by commercial wind energy facility construction and deconstruction. Provides that the requirement does not apply to commercial wind energy facilities already constructed or permitted by a decision of a county or municipality prior to the effective date of the Act, but does apply to any commercial wind energy facility seeking an extension of a permit granted by a county or municipality prior to the effective date of the Act, those owners must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to a decision by the county or municipality to grant the permit extension. Provides that the agricultural impact mitigation agreement shall be entered into prior to any public hearing required prior to a siting decision of a county or municipality regarding the commercial wind energy facility. Provides that the agricultural impact mitigation agreement is binding on any subsequent wind energy operator that takes ownership of the commercial wind energy facility that is the subject of the agreement. Provides that agricultural impact mitigation agreements shall include terms regarding deconstruction of commercial wind energy facilities, including abandonment, and financial assurance for deconstruction of commercial wind energy facilities, including abandonment. Changes the definition of “commercial wind energy facility” to exclude wind energy conversion facilities at certain stages of development. Defines “abandonment” and “county.” Requires that the Department of Agriculture adopt rules that are necessary and appropriate for the implementation and administration of agricultural impact mitigation agreements as required under the Act.

Public Act 99-142, effective January 1, 2016

Creates the Down Syndrome Information and Awareness Act. Requires the Department of Public Health to make available up-to-date, evidence-

based written information about Down Syndrome. Sets forth a list of the type of information the Department must offer. Provides that the Department shall make this information available to persons who render prenatal care, postnatal care, or genetic counseling to parents who receive a prenatal or postnatal diagnosis of Down Syndrome. Provides that a health care provider who renders prenatal or postnatal care, or genetic counselor who renders genetic counseling may (instead of shall), upon receipt of a positive test result for Down Syndrome, provide the expectant or new parent with the information provided by the Department of Public Health as set forth in the Act. Defines “Department” to mean the Department of Public Health.

Public Act 99-152, effective January 1, 2016

Creates the Veterans Preference in Private Employment Act. Provides that a private employer may adopt and apply a voluntary veterans’ preference employment policy if: (1) the veterans’ preference employment policy is in writing; (2) the veterans’ preference employment policy is publicly posted by the private employer at the place of employment or on any website maintained by the private employer; (3) the private employer’s job application informs all applicants of the veterans’ preference employment policy and where the policy may be obtained; and (4) the private employer applies the veterans’ preference employment policy uniformly for all employment decisions regarding the hiring or promotion of veterans or the retention of veterans during a reduction in force. Provides that a private employer who maintains a veterans’ preference employment policy may require and rely on an applicant’s or employee’s Department of Defense DD214/DD215 forms or their predecessor or successor forms, an applicant’s or employee’s NGB-22 discharge form or its predecessor or successor forms (if a member of the National Guard), and a U.S. Department of Veterans Affairs award letter (if the applicant or employee is claiming a service-connected disability) to establish eligibility for such policy. Defines terms.

Public Act 99-180, effective July 29, 2015

Creates the MC/DD Act. Provides that long-term care for under age 22 facilities shall be licensed as medically complex for the developmentally disabled facilities under the MC/DD Act instead of the ID/DD Community Care Act. Makes the provisions in the MC/DD Act substantially the same as those in the ID/DD Community Care Act, including provisions for the rights of residents and responsibilities of facilities, licensing, violations and penalties, and transfer or discharge of residents. Amends various Acts to make conforming changes. Amends the State Mandates Act to require implementation without reimbursement. Contains a non-acceleration provision.

Notary Public

Public Act 99-112, effective January 1, 2016

Amends the Illinois Notary Public Act to provide that the Secretary of State may establish and maintain an online application system that permits an Illinois resident to apply for appointment and commission as a notary public. Sets forth a list of required information that must be contained in an online application. Requires the online application system to employ security measures and automatically send confirmation messages by electronic mail upon receipt of an application and verification of an applicant’s information in the Secretary of State’s driver’s license and Illinois Identification Card databases. Provides that an online applicant shall swear and affirm the oath electronically. Allows the Secretary of State to conduct a verification on all notary public applications. Amends the Illinois Vehicle Code. Allows the Secretary of State to release photographs and signatures obtained in the process of issuing a driver’s license, permit, or identification card to officers and employees of the Secretary who have a need to have access to the stored images for purposes of issuing and controlling notary public commissions and for the purpose of providing the signatures required to process online applications for appointment and commission as notaries

public. 5 ILCS 312/2-102, 2-102.5, 2-104; 625 ILCS 5/6-110.1.

Pensions

Public Act 99-128, effective July 23, 2015

Amends the General Provisions Article of the Illinois Pension Code. Requires each of the 5 State-funded retirement systems (or the Illinois State Board of Investment where applicable) to make its best efforts to identify all companies that boycott Israel in which it has direct or indirect holdings and, under certain circumstances, to divest itself of holdings in those companies. Establishes the Illinois Investment Policy Board. Requires the Illinois Investment Policy Board, by April 1, 2016, to make its best efforts to identify all Iran-restricted companies, Sudan-restricted companies, and companies that boycott Israel and to assemble those identified companies into a list of restricted companies. Defines “Iran-restricted company,” “Sudan-restricted company,” “company that boycotts Israel,” and “restricted companies.” Requires the Illinois Investment Policy Board to review the list of restricted companies on a quarterly basis. Requires State-funded retirement systems and the Illinois Board of Investment to identify restricted companies in which it owns either direct holdings or indirect holdings and, under certain circumstances, to divest from those restricted companies. Prohibits State-funded retirement systems and the Illinois Board of Investment from acquiring securities of restricted companies. Provides that the cost associated with the activities of the Illinois Investment Policy Board shall be borne by the boards of each pension fund or investment board created under the State Universities, Downstate Teachers, or Investment Board Article. Provides that actions taken in compliance with the amendatory Act are exempt from any conflicting statutory or common law obligations, including fiduciary duties. Provides that beginning January 1, 2016, certain sections of the Code that prohibit investment in certain companies that do business with the Government of Iran and the Republic of the Sudan shall be administered in accordance with the

amendatory Act. Contains a statement of legislative intent. Contains a severability clause. Makes other changes. 40 ILCS 5/1-110.16.

Public Act 99-176, effective July 29, 2015

Amends the Chicago Teacher Article of the Illinois Pension Code. In provisions concerning computation of service credit, provides that no member shall earn more than one day of service credit per calendar day or more than 10 days of service credit in a 2 calendar week period as determined by the Fund. Requires certain payroll records to report any salary paid by an employer if that salary is compensation for validated service and is exclusive of salary for overtime, special services, or any employment on an optional basis. Provides that a charter school’s pension officer shall be responsible for certifying all payroll information, including certified sick days payable pursuant to a certain provision of the Chicago Teacher Article. In a provision concerning cancellation of pensions in the case of re-employment as a teacher, provides that a pension will not be cancelled if the person does not work as a teacher for compensation on more than 100 days in a school year or (instead of “and”) does not accept gross compensation in excess of \$30,000. Requires the employer (instead of the Board of Education) to certify to the Fund the status and compensation of each re-employed pensioner. Amends the State Mandates Act to require implementation without reimbursement. 40 ILCS 5/17-114, 17-132, 17-149; 30 ILCS 805/8.39.

Persons with Disabilities

Public Act 99-143, effective July 27, 2015

Amends the Statute on Statutes, the Disabled Persons Rehabilitation Act, the Mental Health and Developmental Disabilities Administrative Act, the Illinois Public Aid Code, and other various Acts. Changes all occurrences of “the physically handicapped” to “persons with physical disabilities,” changes all occurrences of “the handicapped” or “handicapped persons” or “handicapped individuals” to “persons with disabilities,” and changes all occurrences of “handicapping condition” to “disabling

condition.” Changes all occurrences of “disabled persons” to “persons with disabilities” and changes all occurrences of “the mentally and developmentally disabled” to “persons with mental and developmental disabilities.” Changes the title of the “Disabled Persons Rehabilitation Act” and all references to that Act to the “Rehabilitation of Persons with Disabilities Act.” Changes the title of other Acts and the names of certain funds.

Public Act 99-145, effective January 1, 2016

Amends the State Treasurer Act. Creates the “Achieving a Better Life Experience” or “ABLE” account program to encourage and assist individuals and families in saving private funds for the purpose of supporting persons with disabilities in endeavors to maintain health, independence, and quality of life, and to provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, federal and State medical and disability insurance, the beneficiary’s employment, and other sources. Provides that the State Treasurer shall be primarily responsible for the plan but shall work with the Illinois State Board of Investment. Sets forth the requirements of the plan. Requires the State Treasurer to adopt rules to implement the program. Defines required terms. Allows the State Treasurer to enter into agreements with other states to either allow Illinois residents to participate in an ABLE account plan operated by another state or to allow residents of other states to participate in the Illinois ABLE plan. Requires the designated beneficiary of an ABLE account to be a resident of Illinois or a resident of a contracting state. Provides that plan assets are not subject to claims by creditors of the State and may not be used as security for a loan. Requires the State Treasurer to promote awareness of the availability and advantages of the ABLE account plan as a way to assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities but prohibits the State Treasurer from promoting or accepting

contributions for ABLÉ accounts until the Internal Revenue Service has issued its final regulations concerning ABLÉ accounts. Requires the account administrator to annually prepare and adopt a written statement of investment policy that includes a risk management and oversight program. Makes other changes concerning the administration of the ABLÉ account plan. Creates the Illinois ABLÉ Accounts Administrative Fund. Amends the State Finance Act. Adds the Illinois ABLÉ Accounts Administrative Fund. 15 ILCS 505/16.6.

Property Taxes

Public Act 99-164, effective July 28, 2015

Amends the Property Tax Code. Provides that, in counties with 3,000,000 or more inhabitants, if homestead property is sold or transferred, the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. Provides that, upon receipt of a transfer declaration for homestead property transmitted under the Real Estate Transfer Tax Law, the assessor shall mail a notice and forms to the new owner of the property providing information pertaining to the rules and applicable filing periods for applying or reapplying for homestead exemptions. Provides that, if the new owner fails to apply or reapply for a homestead exemption during the applicable filing period, or if the property no longer qualifies for an existing homestead exemption, the assessor shall cancel the exemption for any ensuing assessment year. 35 ILCS 200/15-175.

Public Aid Code

Public Act 99-106, effective January 1, 2016

Amends the Medical Assistance Article of the Illinois Public Aid Code. In provisions concerning care coordination, provides that Managed Care Entities (MCEs), including MCOs and all other care coordination organizations, shall develop and maintain a written language access policy that sets forth the standards, guidelines, and operational plan to ensure language appropriate services and that is

consistent with the standard of meaningful access for populations with limited English proficiency. Provides that the language access policy shall describe how the MCEs will provide all of the following required services: (1) translation (the written replacement of text from one language into another) of all vital documents and forms as identified by the Department of Healthcare and Family Services; (2) qualified interpreter services (the oral communication of a message from one language into another by a qualified interpreter); (3) staff training on the language access policy, including how to identify language needs, access and provide language assistance services, work with interpreters, request translations, and track the use of language assistance services; (4) data tracking that identifies the language need; and (5) notification to participants on the availability of language access services and on how to access such services. 305 ILCS 5/5-30.

Public Act 99-153, effective July 28, 2015

Amends the Illinois Public Aid Code. In provisions concerning data jointly compiled by the Department of Human Services and the Department of Healthcare and Family Services on pending applications for long-term care eligibility, adds data on pending denials, appeals, and redeterminations to the list of data the Departments must compile into a monthly report which shall be posted on each Department's website. 305 ILCS 5/11-5.4.

Public Act 99-157, effective July 1, 2017

Amends the Illinois Public Aid Code. In provisions concerning administrative liens and levies on real property and personal property for past-due child support, provides that the State shall have a lien on all legal and equitable interests of a payor, as that term is described in the Income Withholding for Support Act, in the payor's real or personal property in the amount of any fine imposed by the Department of Healthcare and Family Services pursuant to the Income Withholding for Support Act. Adds a payor to certain provisions concerning notice and the execution of notices of administrative liens and levies.

Provides that the notice must contain a legal description of the real property to be levied and the fact that a lien is being claimed for the fines imposed on a payor pursuant to the Income Withholding for Support Act, in addition to other information. Makes other changes. Amends the Income Withholding for Support Act. Sets forth additional administrative fines to existing fines or penalties against a payor of income provided for under the Act and provides that the new administrative fines do not affect who would be entitled to receive those existing fines and penalties. Provides that in addition to any fines or penalties provided for in the Act, when a payor of income willfully fails, after receiving 2 reminders from the Department of Healthcare and Family Services, to withhold or pay over income pursuant to a properly served income withholding notice or otherwise fails to comply with any duties imposed by the Act, the Department may impose a fine upon the payor not to exceed \$1,000 per payroll period; and that the fine shall be payable to the Department and may be used to defray the costs incurred by the Department in the collection of the past-due support and penalties provided for in the Act. Requires the Department of Healthcare and Family Services to place the fines collected into a special fund created to implement the purposes of this provision. Provides that after deducting the costs incurred by the Department of Healthcare and Family Services in the collection of the past-due support and penalties provided for in the Act, the remainder of the fines collected shall be distributed proportionally to the counties based on their population; and that the counties shall use these funds to assist low income families in defraying the costs associated with seeking parenting time. 305 ILCS 5/10-25, 10-25.5; 750 ILCS 28/50.5.

Public Act 99-170, effective January 1, 2016

Amends the Illinois Public Aid Code. Provides that subject to federal approval if required, a household that includes an elderly, blind, or disabled person shall be considered categorically eligible for Supplemental Nutrition Assistance

Program (SNAP) benefits if the gross income of such household is at or below 200% of the nonfarm income poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2); and a household that does not include an elderly, blind, or disabled person shall be considered categorically eligible for Supplemental Nutrition Assistance Program (SNAP) benefits if the gross income of such household is at or below 165% of those nonfarm income poverty guidelines. 305 ILCS 5/12-4.13a.

Public Act 99-181, effective July 29, 2015

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that unless otherwise required by federal law, Medicaid Managed Care Entities shall not divulge, directly or indirectly, including by sending a bill or explanation of benefits, information concerning the sensitive health services received by enrollees of the Medicaid Managed Care Entity to any person other than providers and care coordinators caring for the enrollee and employees of the entity in the course of the entity's internal operations. Provides that the Medicaid Managed Care Entity may divulge information concerning the sensitive health services if the enrollee who received the sensitive health services requests the information from the Medicaid Managed Care Entity and authorized the sending of a bill or explanation of benefits. Provides that communications including, but not limited to, statements of care received or appointment reminders either directly or indirectly to the enrollee from the health care provider, health care professional, and care coordinators, remain permissible. Provides that the term "Medicaid Managed Care Entity" includes Care Coordination Entities, Accountable Care Entities, Managed Care Organizations, and Managed Care Community Networks. Provides that "sensitive health services" means mental health services, substance abuse treatment services, reproductive health services, family planning services, services for sexually transmitted infections and sexually

transmitted diseases, and services for sexual assault or domestic abuse. Services include prevention, screening, consultation, examination, treatment, or follow-up. Provides that nothing shall be construed to relieve a Medicaid Managed Care Entity or the Department of any duty to report incidents of sexually transmitted infections to the Department of Public Health or to the local board of health in accordance with regulations adopted under a statute or ordinance or to report incidents of sexually transmitted infections as necessary to comply with the requirements under the Abused and Neglected Child Reporting Act or as otherwise required by State or federal law. Provides that the Department shall create a policy in order to implement these requirements. 305 ILCS 5/5-30.

Public Health

Public Act 99-111, effective January 1, 2016

Amends the Managed Care Reform and Patient Rights Act to provide that the Department of Public Health shall accept evidence of accreditation with regard to the health care network quality management and performance improvement standards of the Accreditation Association for Ambulatory Health Care. Provides that the Department of Insurance shall recognize the Accreditation Association for Ambulatory Health Care among the list of accreditors from which utilization organizations may receive accreditation and qualify for reduced registration and renewal fees. 215 ILCS 134/80, 85.

Public Property

Public Act 99-115, effective July 23, 2015

Authorizes the Director of Natural Resources to sell certain parcels of property to the Forest Preserve District of Will County for the sum of \$1 and to sell certain parcels of property to the Lockport Township Park District for the sum of \$1. Enumerates conditions to which the conveyances are subject, and provides for the reversion of property to the Department of Natural Resources if it is not used for public purposes. Authorizes the Department of Transportation to convey certain land or release certain land

from easement or other rights in Madison, Tazewell, Whiteside, and DuPage Counties.

Public Act 99-135, effective July 24, 2015

Authorizes the Department of Central Management Services to convey certain described real estate to the Rides Mass Transit District for \$1. Provides that the property shall revert to the State if the property is no longer used for public purposes.

Public Act 99-175, effective July 29, 2015

Provides for the conveyance to Kaskaskia College of the real property on which the Department of Agriculture's Centralia Animal Disease Laboratory was located, restricting the use of the property to educational purposes. Provides that, if Kaskaskia College ceases to exist or if the real property is used for any purposes other than educational purposes, the property shall revert to the State.

Real Property

Public Act 99-166, effective July 28, 2015

Amends the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act. Requires owners of manufactured homes to surrender the Manufacturer's Statement of Origin to the Secretary of State. 765 ILCS 170/5-15.

Regulated Industries

Public Act 99-103, effective July 22, 2015

Amends the Public Utilities Act to provide that an electric utility or an alternative retail electric supplier may not charge an early termination fee or penalty in excess of \$50 for residential customers and \$150 for small commercial retail customers. Applies requirements to any tariff filed or contract renewed or entered into on and after the effective date of the amendatory Act. 220 ILCS 5/16-119.

Public Act 99-104, effective January 1, 2016

Amends the Title Insurance Act to require that each title insurance company shall remit (rather than pay), for all of its

title insurance agents subject to this Act for filing an annual registration of its agents, an amount equal to \$3 for each policy issued by all of its agents in the immediately preceding calendar year. Provides that each application for registration as a title insurance agent shall be made on a form specified by the Secretary and prepared by (rather than prepared in duplicate by) each title insurance company which the agent represents. Requires the title insurance company to retain the copy of the application and forward a copy (rather than the original) to the Secretary. 215 ILCS 155/14, 16.

Public Act 99-107, effective July 22, 2015

Amends the Public Utilities Act to remove the requirement that the Illinois Commerce Commission deliver its annual report to the Public Counsel. Requires the Illinois Commerce Commission to include in its annual report filed with the Joint Committee on Legislative Support Services of the General Assembly, and the Governor a summary of the adoption of solar photovoltaic systems by residential and small business consumers in Illinois. Requires the Commission to submit a description of all barriers to residential and small business consumers' financing, installation, and valuation of energy produced by solar photovoltaic systems (rather than barriers to improving utilization and adoption of consumer-owned solar energy production). Requires electric utilities, alternative retail electric suppliers, and installers of distributed generation to provide all information requested by the Commission that is necessary to complete the Commission's analysis. Further amends the Public Utilities Act if and only if House Bill 3766 of the 99th General Assembly becomes law (see Public Act 99-103, effective July 22, 2015). In provisions concerning switching electric suppliers, provides that the caps on early termination fees and penalties shall apply solely to early termination fees and penalties for early termination of electric service. Provides that the caps shall not apply to charges or fees for devices, equipment, or other services provided by the utility or alternative electric retail supplier. Provides that provisions

concerning the early termination fee are effective immediately or on the date House Bill 3766 of the 99th General Assembly takes effect, whichever is later. 220 ILCS 5/4-304, 16-119.

Public Act 99-116, effective January 1, 2016

Amends the Amusement Ride and Attraction Safety Act to make a change to the definition of "amusement ride." Provides that "amusement ride" includes any dry slide (now over 20 feet in height). 430 ILCS 85/2-2.

Public Act 99-117, effective January 1, 2016

Amends the Tattoo and Body Piercing Establishment Registration Act to define "person." Provides that the Department of Public Health is authorized to establish and assess penalties or fines against any person who violates the Act or rules adopted under the Act (instead of "a registrant for violations of this Act or regulations adopted under this Act"). Throughout the Act, replaces references to "owner" with "operator." Provides that the operator of an establishment (rather than "an establishment") must meet specified operating requirements. Provides that the Department of Public Health may assess a late fee if the renewal application and renewal fee are not submitted on or before the registration expiration date. Provides that in no circumstance will any penalties or fines exceed \$1,000 per day for each day the violation continues (instead of "for each day the registrant remains in violation"). 410 ILCS 54/10, 15, 25, 35, 40, 80.

Public Act 99-129, effective January 1, 2016

Amends the Oil and Gas Rights Act. Provides that payments may be remitted to payees annually for the aggregate of up to 12 months' accumulation of proceeds, if the total amount owed is \$100 (instead of \$25) or less. 765 ILCS 520/10.

Public Act 99-131, effective January 1, 2016

Amends the Illinois Oil and Gas Act. In provisions concerning applications for a permit submitted to the Department

of Natural Resources, provides for the issuance of a deficiency letter if additional information or documentation is needed for the application to be considered and the permit issued. 225 ILCS 725/6.1.

Public Act 99-137, effective January 1, 2016

Amends the Illinois Oil and Gas Act. Provides that no person shall falsify or otherwise misstate any information on or relative to any application, permit, required record, or other document required to be submitted to the Department of Natural Resources by the Act or any rules or procedures adopted under the Act. Requires that when an inspector or other authorized employee or agent of the Department determines that any permittee or any person engaged in conduct or activities required to be permitted under the Act has falsified or otherwise misstated any information on or relative to any application, permit, required record, or other document, a notice of violation shall be completed and delivered to the Director of Natural Resources or his designee. Sets a penalty of \$5,000 for falsification or misstatement of information. 225 ILCS 725/8a, 8d.

Public Act 99-138, effective January 1, 2016

Amends the Illinois Oil and Gas Act. Provides that the Department of Natural Resources shall have the authority to adopt rules and hold hearings to determine if oil and gas leases are operative on the basis that prior leases covering the same lands have terminated due to non-development. Provides for the requirements necessary to gain a reasonable presumption of the termination of previous oil and gas leases. Allows the current permittee to have a 30-day opportunity after being given notice to request a hearing before a final determination on a lease is made. Requires that any request for a determination include the payment of a nonrefundable fee of \$1,000 by the applicant. Provides that all determinations under the provisions shall be made no later than 90 days after the Department's receipt of a valid request for a determination. Provides that if a current permittee fails to

properly plug all non-plugged and non-transferred wells within 30 days after the issuance of the determination, the wells shall be deemed abandoned and included in the Department's Oil and Gas Well Site Plugging and Restoration Program. Provides that permittees under the Act shall provide the Department with a current address within 90 days after the effective date of the amendatory Act, and that permittees must inform the Department of any address change within 30 days. Provides that notice of a hearing or proceeding required to be provided to a permittee under the Act shall be given either personally or by certified mail with return receipt requested. Provides that if notice sent by certified mail is returned unsigned and the permittee cannot be found for personal delivery, notice by publication, with a copy of the newspaper notice sent to the given address, is evidence that the Department has properly provided notice to the permittee for the hearing or other proceeding. Requires certain information to be included in the notice. 225 ILCS 725/6.2, 9.1.

Public Act 99-139, effective July 24, 2015

Renames a fund as the Oil and Gas Resource Management Fund (now, Mines and Minerals). Makes corresponding changes. Amends the Hydraulic Fracturing Regulatory Act. Provides that the Fund will be used to support the Division of Oil and Gas Resource Management (now, Office of Mines and Mineral). Amends the Department of Natural Resources Act. Provides that the Department of Natural Resources may have within it an Office of Oil and Gas Resource Management. Provides that the Oil and Gas Resource Management Fund will be used to support the Office of Oil and Gas Resource Management (now, Office of Mines and Mineral). Amends the Hydraulic Fracturing Regulatory Act. Provides that investment income that is attributable to the investment of moneys in the Oil and Gas Resource Management Fund shall be retained in the Fund. 20 ILCS 801/10-5; 30 ILCS 105/5.832; 225 ILCS 732/1-35, 1-65, 1-135.

Public Act 99-149, effective January 1, 2016

Amends the Illinois Credit Union Act. Provides that the failure of an out-of-state credit union to register with the Secretary of Financial and Professional Regulation shall not impair the collectability of a loan made to a resident of this State. Provides that, for a renewal, refinancing, or restructuring of an existing loan at the credit union that is secured by an interest or equity in real estate, a new appraisal of the collateral shall not be required when: (i) no new moneys are advanced other than funds necessary to cover reasonable closing costs; or (ii) there has been no obvious or material change in market conditions or physical aspects of the real estate that threatens the adequacy of the credit union's real estate collateral protection after the transaction, even with the advancement of new moneys. Provides that a credit union may act as a representative of and enter into an agreement with credit unions or other organizations for the purposes of providing implementation and administrative support services related to the use of debit cards, payroll debit cards, and other prepaid debit cards and credit cards. Provides that the Department of Financial and Professional Regulation reserves the right to require an appraisal under a specified provision of the Act whenever the Department believes it is necessary to address safety and soundness concerns. Amends the Illinois Credit Union Act, the Illinois Banking Act, and the Savings Bank Act; provides that a credit union's board of directors may authorize a savings promotion raffle; provides that, if authorized by its board of directors, a State bank may conduct a savings promotion raffle; provides that the savings promotion raffle shall be conducted so that each token or ticket representing an entry in the savings promotion raffle has an equal chance of being drawn; defines a "savings promotion raffle"; makes conforming changes in the Raffles and Poker Runs Act and the Criminal Code of 2012; amends the Raffles and Poker Runs Act; provides that "raffle" does not include a savings promotion raffle authorized under the Illinois Banking Act, the Savings Bank Act, the Illinois Credit Union Act, the National

Bank Act, or the Home Owners' Loan Act. 205 ILCS 5/5g; 205 ILCS 205/7008; 205 ILCS 305/7, 42.7, 46, 57.1; 230 ILCS 15/1; 720 ILCS 5/28-1, 28-1.1, 28-2.

Public Act 99-154, effective July 28, 2015

Amends the Illinois Health Facilities Planning Act. Makes changes concerning: (i) the permit and exemption process for changes of ownership among related persons; (ii) an application to close a health care facility; and (iii) an application to discontinue a category of service. Provides that the Health Facilities and Services Review Board shall publish a legal notice concerning a change of ownership only once (currently, on 3 consecutive days). Requires the applicant to pay the cost incurred by the Board of publishing the change of ownership notice. Makes changes concerning the key terms to be included in an application for a change of ownership in lieu of containing signed transaction documents. Requires the Board Chair to take action on an application for an exemption for a change of ownership among related persons within 45 days after the application has been deemed complete. Provides that if the Board Chair has a conflict of interest or for other good cause, the Chair may request review by the Board. Provides that projects eligible for an exemption, rather than a permit, include, in addition to discontinuation of a category of service, the discontinuation of a health care facility, other than a health care facility maintained by the State or any agency or department thereof or a nursing home maintained by a county. 20 ILCS 3960/6, 8.5.

Public Act 99-182, effective January 1, 2016

Amends the Illinois Securities Law of 1953. Creates an exemption from certain filing and registration requirements under the Act for intrastate securities offerings that meet certain conditions, including that: (1) the offering meets all of the requirements of the federal exemption for intrastate offerings provided under the Securities Act of 1933; (2) the aggregate purchase price of all securities sold by an issuer within any 12-month period does

not exceed: (i) \$1,000,000; or (ii) \$4,000,000 if the issuer has undergone and made available certain financial statements to specified persons; and (3) the aggregate amount sold to any purchaser in an offering of securities made within any consecutive 12-month period does not exceed certain monetary limitations. Provides that an issuer may make an offering or sale of securities through the use of one or more registered Internet portals, subject to certain requirements, including that: (i) the Internet portal shall at all times be owned by a corporation or other legal entity which is either organized under the laws of, or is otherwise qualified to do business in, this State; (ii) the Internet portal shall establish and maintain commercially reasonable measures to limit access to any information concerning an offering or sale of the subject securities to residents of this State; and (iii) the Internet portal shall establish and maintain a secure method of communication through the Internet portal itself that will permit potential investors to communicate with one another and with representatives of the issuer about the offering. Provides that exempt sales to accredited investors must be made without general solicitation. Provides that the Secretary of State shall establish duties of issuers relating to sales by means of registered Internet portals by rule. Requires the Secretary of State to collect a \$100 fee for securities offered or sold under the exemption created under this amendatory Act; and a \$300 fee for the registration and renewal of a registered Internet portal. Defines terms. 815 ILCS 5/2.34, 2.35, 2.36, 4, 8, 8d, 11, 11a, 12, 13, 18.1.

Public Act 99-191, effective January 1, 2016

Amends the Food Handling Regulation Enforcement Act. Provides that a home kitchen operation does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or nonprofit organization for fundraising purposes. Adds additional requirements in order to qualify as a home kitchen operation. Provides that a food package produced by a home kitchen operation must have a label

or other written notice provided to the purchaser containing certain information. Makes changes concerning the jurisdiction of the local governing body over home kitchen operations. Defines a term. Removes a provision prohibiting certain types of jams and jellies from cottage food operations. Increases the gross receipt threshold of exempt food from \$25,000 to \$36,000. Allows the Department to adopt rules to implement the requirements of the amendatory Act. 410 ILCS 625/3.3, 3.6, 4.

Revenue

Public Act 99-126, effective July 23, 2015

Amends the Retailers' Occupation Tax Act. In a section concerning the location where a retailer is deemed to be engaged in the business of selling tangible personal property, provides that a retailer selling tangible personal property to a nominal lessee or bailee pursuant to a lease with a dollar or other nominal option to purchase is engaged in the business of selling at the location where the property is first delivered to the lessee or bailee for its intended use. 35 ILCS 120/2-12.

School Law

Public Act 99-130, effective July 24, 2015

Amends the Educator Licensure Article of the School Code to provide that "museums" as defined in the Museum Disposition of Property Act shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses. Makes a technical correction. 105 ILCS 5/21B-45.

Public Act 99-144, effective January 1, 2016

Amends the School Code. Authorizes the State Board of Education to work with school districts to inform all students with developmental disabilities and their parents or guardians about the Prioritization of Urgency of Need for Services database. Requires the Department of Human Services and the State Board of Education, subject to appropriation, to develop and implement a training program for pre-admission screening and independent service coordination agencies to train and provide all resources necessary for

case workers in every public school in this State to register eligible students with the Prioritization of Urgency of Need for Services waiting list for services. Requires the training program to be an online, computer-based training program. Requires the State Board of Education, in consultation with the Department of Human Services, to inform parents and guardians of students through school districts about the Prioritization of Urgency of Need for Services waiting list. 105 ILCS 5/2-3.163.

Public Act 99-148, effective January 1, 2016

Amends the Illinois Vehicle Code. Provides that a private carrier employer of a school bus driver permit holder, having satisfied applicable employer requirements, shall be held to a standard of ordinary care for intentional acts committed in the course of employment by a bus driver permit holder. Provides that the provision concerning employer standard of care shall in no way limit the liability of a private carrier employer for violation of any provision of this section or for the negligent hiring or retention of a school bus driver permit holder. 625 ILCS 5/6106.1.

Public Act 99-193, effective July 30, 2015

Amends the School Code. Makes changes concerning references to adequate yearly progress with respect to the State Board of Education's recognition standards for student performance and school improvement, the State Board's system of rewards for school districts and schools, the State Board's system to acknowledge schools, State interventions, and remote educational programs. Removes provisions concerning academic early warning and watch status. Instead, requires the State Board to establish a Multiple Measure Index and Annual Measurable Objectives for each public school in this State that address the school's overall performance in terms of academic success and equity and sets forth provisions concerning priority and focus districts. Repeals a section concerning appeals from school districts pertaining to school or district status levels, recognition levels, or corrective action. Requires the State Board of Education to

develop recognition standards for student performance and school improvement for all school districts and their individual schools (instead of in all public schools operated by school districts), and removes provisions concerning the design of the standards. Instead, provides that the standards must be an outcomes-based, balanced accountability measure. Sets forth provisions concerning the balanced accountability measure. Makes changes concerning the State Board's establishment of a Multiple Measure Index and Annual Measurable Objectives. Changes the definition of "focus school." Requires a school report card to include the most current data possessed by the State Board related to a school district's and its individual schools' balanced accountability measure. 105 ILCS 5/2-3.25a, 2-3.25c, 2-3.25d-5, 2-3.25e-5, 2-3.25f, 2-3.136, 7-8, 10-17a, 10-29, 11E-120, 21B-70.

Public Act 99-194, effective July 30, 2015

Amends the School Board Article of the School Code. Authorizes a school board, other than the Chicago Board of Education, to adopt a program for e-learning that shall permit students to receive instruction electronically, and not while physically present at school, for a limited number of days during a school year. Provides that the State Board of Education shall establish and maintain, for implementation in selected school districts during the 2015-2016, 2016-2017, and 2017-2018 school years, a pilot program for use of e-learning days. Provides that the school board of a school district selected by the State Superintendent of Education may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide. Provides that the State Superintendent shall approve programs that ensure that the specific needs of all students shall be met, including special education students and English learners, and that mandates are still met. Provides that if, prior to providing any instruction, a selected school district must close one or more but not all school buildings after consultation with a local emergency response agency or due to a condition beyond the control of the school district, then the school district may, if

approved by the State Board, utilize the provisions of an e-learning program for the affected school building. Makes other related changes. 105 ILCS 5/10-19, 10-20.56, 10-29, 18-8.05, 18-12.

Public Act 99-185, effective January 1, 2016

Amends the School Code. Provides that the State Board of Education shall annually assess school's operating a qualifying secondary education program. One of the assessments shall include high school students using a college and career ready determination that shall be accepted by this State's public institutions of higher education for the purpose of student application or admissions consideration. 105 ILCS 5/2-3.64a-5.

Public Act 99-189, effective July 30, 2015

Amends the School Code. Provides that a student enrolled in grade 7 or 8 may enroll in a course, where the student attends school, offered by the high school that the student would attend provided that the teacher holds a professional educator license endorsed for the grade level and content area of the course (instead of the high school teacher is certified and teaches in a high school of the school district where the student will attend when in high school and no high school students are enrolled in the course). 105 ILCS 5/27-22.10.

Sports and Gaming

Public Act 99-177, effective July 29, 2015

Amends the Bingo License and Tax Act to remove language allowing the Department of Revenue to issue a special permit to an organization already possessing a bingo license to conduct bingo at other premises. Removes provisions from the definition of "special permit" stating that a licensee who currently holds a license may be granted a permit to conduct bingo at other premises to conform to the language of the bill. 230 ILCS 25/1.1, 1.3.

State Agencies

Public Act 99-105, effective January 1, 2016

Amends the Department of Human Services Act. Provides that the Department of Human Services shall cooperate with the

Department of Transportation to promote public awareness regarding the national human trafficking hotline. Provides that this includes, but is not limited to, displaying public awareness signs in high risk areas, such as, but not limited to, truck stops, bus stations, train stations, airports, and rest stops. 20 ILCS 1305/10-34.

Public Act 99-120, effective July 23, 2015

Amends the Disabled Persons Rehabilitation Act. Repeals a provision that requires the Department of Human Services to enter into contracts with public or private agencies for the establishment and continued support of resource, training and counseling centers, which shall be known as Lekoteks, for families with children with special needs. 20 ILCS 2405/3c.

Public Act 99-134, effective January 1, 2016

Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Provides that the Department of Commerce and Economic Opportunity shall create and maintain a website to help persons wishing to create new businesses or relocate businesses to Illinois. Establishes requirements for information to be included on the website. 20 ILCS 605/605-1007.

Public Act 99-156, effective January 1, 2016

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. Provides that whenever the Department of Natural Resources determines that the public use or public interest will be served by vacating any plat of subdivision, street, roadway, or driveway, or part thereof, located within Department owned lands, it may vacate that plat of subdivision, street, roadway, or driveway, or part thereof, by approval of the Governor. Makes a change to a provision concerning title to the vacated land vesting in the Department. 20 ILCS 805/805-565.

State Employees

Public Act 99-166, effective July 28, 2015.

Amends the State Salary and Annuity Withholding Act. Provides that the amount

withheld from a State employee's paycheck for the purpose of paying parking fees shall be deposited into the State Parking Facility Maintenance Fund. 5 ILCS 354/4, 8.

State Records

Public Act 99-147, effective January 1, 2016

Amends the State Records Act. Adds "born-digital electronic material" and "electronic material with a combination of digitized and born-digital material" to the definition of "record" or "records." Defines "born-digital electronic material" and "digitized electric material." Amends the Local Records Act. Adds "born-digital electronic material" and "electronic material with a combination of digitized and born-digital material" to the definition of "public record." Defines "born-digital electronic material" and "digitized electric material." Provides that the Illinois Commerce Commission shall also issue regulations regarding procedures for the management and preservation of electronically generated and maintained records. Repeals the Filmed Records Certification Act. Repeals the Filmed Records Destruction Act. 5 ILCS 160/2; 50 ILCS 205/3, 7, 12; 50 ILCS 210 (repealed); 50 ILCS 215 (repealed).

Tobacco

Public Act 99-192, effective January 1, 2016

Amends the Cigarette Tax Act, the Tobacco Products Tax Act of 1995, and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. In provisions concerning training programs conducted by retailers to facilitate compliance with minimum-age tobacco laws, provides that the training may be conducted electronically. Provides that each employee who completes the training program shall sign a form attesting that the employee has received and completed tobacco training. Removes a requirement that the training program must explain the penalties that a clerk and retailer are subject to for violations of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Provides that sales invoices issued by licensed distributors to retailers are

not required to contain the distributor's Tobacco Products License number if the distributor has received a waiver from the Department of Revenue. Contains provisions concerning rulemaking. 35 ILCS 130/4g, 6, 11, 11c; 35 ILCS 143/10-21, 10-25, 10-35; 720 ILCS 675/2.

Townships

Public Act 99-171, effective January 1, 2016.

Amends the Illinois Highway Code. Provides that funds for township and road districts may be derived from other road district sources, but may not exceed the amount that would be allocated under the motor fuel tax fund formula. 605 ILCS 5/6-701.8.

Universities and Colleges

Public Act 99-198, effective July 30, 2015

Amends the Higher Education Student Assistance Act. Includes the recognized advisory committee of students of the Illinois Community College Board (rather than the Illinois Student Association and the Organization of Community College Students) in the list of student organizations from which the student member of the Illinois Student Assistance Commission may be nominated. Provides that a student appointee's status on the Illinois Student Assistance Commission may not be considered in determining his or her eligibility for programs administered by the Commission. 110 ILCS 947/15.

Veterans

Public Act 99-152, effective January 1, 2016

Creates the Veterans Preference in Private Employment Act. Provides that a private employer may adopt and apply a voluntary veterans' preference employment policy if: (1) the veterans' preference employment policy is in writing; (2) the veterans' preference employment policy is publicly posted by the private employer at the place of employment or on any website maintained by the private employer; (3) the private employer's job application informs all applicants of the veterans' preference employment policy and where the policy may be obtained; and (4) the

private employer applies the veterans' preference employment policy uniformly for all employment decisions regarding the hiring or promotion of veterans or the retention of veterans during a reduction in force. Provides that a private employer who maintains a veterans' preference employment policy may require and rely on an applicant's or employee's Department of Defense DD214/DD215 forms or their predecessor or successor forms, an applicant's or employee's NGB-22 discharge form or its predecessor or successor forms (if a member of the National Guard), and a U.S. Department of Veterans Affairs award letter (if the applicant or employee is claiming a service-connected disability) to establish eligibility for such policy. Defines terms. Amends the Illinois Human Rights Act. Provides that nothing contained in the Act shall prohibit an employer, employment agency or labor organization from giving preferential treatment to veterans and their relatives pursuant to a private employer's voluntary veterans' preference employment policy authorized by the Veterans Preference in Private Employment Act. 775 ILCS 5/2-104. ■



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February

Monday, 02/01/16- Webcast Replay— Attorney's Fees and 750 ILCS 5/513. Presented by the ISBA Family Law Section Council. 12:00- TBD End time

Monday, 02/01/16- Teleseminar- Live Replay— Estate Planning with Annuities & Financial Products. Presented by the ISBA. 12-1 pm.

Tuesday, 02/02/16- Webinar— Trial Technology Workshop. Practice Toolbox Series presented by the ISBA. 12-1 pm.

Thursday, 02/04/16- Teleseminar— Choice of Entity for Service Businesses. Presented by the ISBA. 12-1 pm.

Friday, 2/05/16—CRO— Federal Tax Conference 2016. Presented by the Federal Tax Section Council. 8:30 - 4:45.

Friday, 2/05/16—Bloomington Normal Marriott Conference Center— Hot Topics in Agricultural Law 2016. Presented by the Agricultural Law Section Council. 8:45 - 4:30.

Monday, 02/08/16- Webcast Replay— Civil Procedure and the Revised Statutes. Presented by the ISBA Family Law Section Council. 12:00- TBD End time.

Tuesday, 02/09/16- Teleseminar— Guarantees in Real Estate Transactions. Presented by the ISBA. 12-1 pm.

Wednesday, 02/10/16- Teleseminar— BYOD (Bring Your Own Device to Work) & Social Media—Employment Law Issues in the Workplace. Presented by the ISBA. 12-1 pm.

Wednesday, 02/10/16- CRO & Live Webcast— 2016 Civility. Presented by the Bench and Bar Section Council. 3:00-4:30 pm (CLE). 4:30-5:30 pm (Reception).

Thursday, 02/11/16- Teleseminar— Management and Voting Agreements in

Businesses. Presented by the ISBA. 12-1 pm.

Thursday, 02/11/16- CRO and Live Webcast— A Changing Landscape: Student Discipline 2016. Presented by the ISBA Education Law Section Council. 8:30 am - 12:00 pm.

Thursday, 02/11/16- Webcast— Drafting Powers of Attorney. Presented by Trusts and Estates. 2:00-3:30 pm.

Monday, 2/15/16—CRO and Fairview Heights— Workers' Compensation Update 2016. Presented by the Workers' Compensation Section. 9:00 am - 4:00 pm.

Tuesday, 02/16/16- Teleseminar— Incentive Compensation in Business Entities, Part 1. Presented by the ISBA. 12-1 pm.

Tuesday, 02/16/16- Webinar— Cloud Services for Lawyers. Practice Toolbox Series presented by the ISBA. 12-1 pm.

Wednesday, 02/17/16- Teleseminar— Incentive Compensation in Business Entities, Part 2. Presented by the ISBA. 12-1 pm.

Wednesday, 02/17/16- CRO— Foundations, Evidence, & Objections: Before Trial, During Trial, On Appeal, or After a Settlement. Presented by the ISBA Tort Law Section Council. 8:30 am - 12:30 pm.

Thursday, 02/18/16- Teleseminar— Special Issues in Small Trusts. Presented by the ISBA. 12-1 pm.

Friday, 02/19/16- Teleseminar— Civil Rights and Diversity: Ethics Issues. Presented by the ISBA. 12-1 pm.

Friday, 2/19/16—CRO and Live Webcast— Master Series—will not be archived. The Complete UCC. Presented by the ISBA. 8:25 - 4:45 p.m..

Monday, 02/22/16- Teleseminar— Drafting Promissory Notes to Enhance Enforceability. Presented by the ISBA. 12-1 pm.

Tuesday, 02/23/16- Teleseminar— Decanting and Otherwise Fixing Broken Trusts. Presented by the ISBA. 12-1 pm.

Monday, 2/22/16 to Friday, 2/26/2016— CRO—Master Series—will not be archived. 40 Hour Mediation/Arbitration Master Series. 8:30-5:45 Daily.

March

Tuesday, 03/1/16- Webinar— Protecting Yourself While Negotiating Documents Electronically. Practice Toolbox Series presented by the ISBA. 12-1 pm.

Wednesday, 03/02/16- Teleseminar— Overtime, Exempt and Non-Exempt: 2016 Wage and Hour Update, Part 1. Presented by the ISBA. 12-1 pm.

Thursday, 03/03/16- Teleseminar— Overtime, Exempt and Non-Exempt: 2016 Wage and Hour Update, Part 2. Presented by the ISBA. 12-1 pm.

Friday, 03/04/16- Teleseminar— How Ethics Rules Still Apply When Lawyers Act as Non-Lawyers. Presented by the ISBA. 12-1 pm.

Friday, 03/04/16- CRO and possibly live webcast— 7th Annual Animal Law Conference. Presented by the ISBA Animal Law Section Council. 8:30-4:30.

Tuesday, 03/08/16- Teleseminar- Live Replay— 2015 Americans With Disabilities Act Update. Presented by the ISBA. 12-1 pm.

Wednesday, 03/09/16- Teleseminar— Ethical Issues When Changing Law Firms. Presented by the ISBA. 12-1 pm. ■

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